

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JOHN J. MASSI,</b>	:	
<b>Plaintiff,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	
	:	
<b>CITY OF PHILADELPHIA et al.,</b>	:	<b>No. 12-1309</b>
<b>Defendants.</b>	:	

**ORDER**

AND NOW, this 6th day of December, 2013, upon consideration of Defendants' Motion to Dismiss (Docket No. 29) and Mr. Massi's Response thereto (Docket No. 35), it is HEREBY ORDERED that the Motion is GRANTED IN PART and DENIED IN PART such that:

1. Counts 2, 3, 5 through 9, and 12 are dismissed with prejudice;
2. Count 1 may proceed against Mr. Allen only and is otherwise dismissed with prejudice;
3. Count 4 is dismissed without prejudice as to a claim predicated on Mr. Allen's alleged racial discrimination and otherwise dismissed with prejudice;
4. Count 6 is dismissed with prejudice;
5. Count 10 is dismissed without prejudice as to Messrs. Washington and Vest, and with prejudice as to all other Defendants;
6. Count 11 may proceed against only Messrs. Washington and Vest;
7. Count 13 may proceed against Mr. Vest; and
8. Mr. Massi may petition for leave to amend his Complaint consistent with the guidance provided in the Memorandum accompanying this Order.<sup>1</sup>

BY THE COURT:

S/Gene E.K. Pratter  
GENE E.K. PRATTER  
United States District Judge

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<sup>1</sup> That guidance includes, inter alia, the instructions that Mr. Massi should submit a clean copy of the proposed Third Amended Complaint in full as well as a redlined copy of the Third Amended Complaint, and the Third Amended Complaint should take into account the survival or demise of the other counts, as provided in the Memorandum accompanying this Order.